

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA :
:-----

-v.- :
:-----

JAMES STANFORD,
a/k/a "Jim," :
:-----

Defendant. :
:-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: **07/23/2008**
INDICTMENT

08 CRIM 680

COUNT ONE

The Grand Jury charges:

1. From at least in or about February 2008, up to and including in or about March 2008, in the Southern District of New York and elsewhere, JAMES STANFORD, a/k/a "Jim," the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit offenses against the United States, to wit, to violate Section 1344 of Title 18, United States Code.

2. It was a part and an object of the conspiracy that JAMES STANFORD, a/k/a "Jim," the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did execute a scheme and artifice to defraud financial institutions, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institutions, by means of

false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. On or about February 18, 2008, JAMES STANFORD, a/k/a "Jim," the defendant, faxed fake pay stubs to a co-conspirator not named herein ("CC-1").

b. On or about February 25, 2008, CC-1 gave the fake pay stubs from STANFORD to a co-conspirator not named herein ("CC-2") and a FBI undercover agent (the "U/C").

c. On or about February 25, 2008, CC-2 and the U/C submitted the fake pay stubs from STANFORD in support of their application for a fraudulent business bank account at a Bank of America branch located in downtown Manhattan, New York.

(Title 18, United States Code, Section 1349.)

COUNT TWO

The Grand Jury further charges:

4. On or about February 18, 2008, in the Southern District of New York and elsewhere, JAMES STANFORD, a/k/a "Jim," the defendant, unlawfully, willfully, and knowingly, executed and attempted to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the

Federal Deposit Insurance Corporation, and to obtain monies, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, STANFORD faxed fraudulent pay stubs to CC-1 for use in making a bank account application at a Bank of America branch located in downtown Manhattan, New York.

(Title 18, United States Code, Sections 1344 & 2).

Forfeiture Allegation

5. As a result of committing the offenses alleged in Counts One and Two of this Indictment, JAMES STANFORD, a/k/a "Jim," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 982, any and all property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in this Indictment.

Substitute Asset Provision

6. If any of the above-described forfeitable property, as a result of any act or omission of JAMES STANFORD, a/k/a "Jim," the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

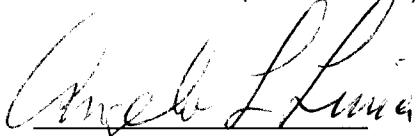
c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982, to seek forfeiture of any other property of JAMES STANFORD, a/k/a "Jim," the defendant, up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982.)



FOREPERSON



MICHAEL J. GARCIA
MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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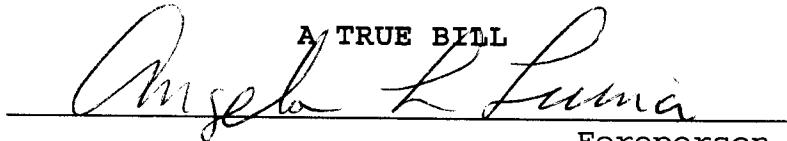
INDICTMENT

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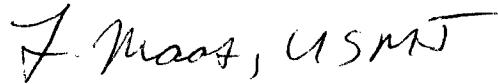
(18 U.S.C. §§ 1349; 1344; and 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

7/23/08
Indictment filed, case assigned
to Judge Sand.


F. Maas, USM